

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO.
AMD-04-029

WILLIE MITCHELL,
SHELTON HARRIS,
SHELLY WAYNE MARTIN,
SHAWN GARDNER,

Defendants

VOLUME XXXII OF XXXVII
Tuesday, November 25, 2008
Baltimore, Maryland

Before: Honorable Andre M. Davis, Judge
And a Jury

Appearances:

On Behalf of the Government:

Robert Harding, Esquire

Michael Hanlon, Esquire

On Behalf of Defendant Mitchell

Laura Kelsey Rhodes, Esqui

Michael E. Lawlor, Esquire

On Behalf of Defendant Har

Gerard P. Martin, Esquire

Paul Flannery, Esquire

On Behalf of Defendant Ma

Thomas L. Crowe, Esquire

James G. Pyne, Esquire

On Behalf of Defendant Ga

Barry Coburn, Esquire

Reported by:

Mary M. Zajac, RPR

Room 5515, U.S. Courthouse

101 West Lombard Street

Baltimore, Maryland 21201

1 (Jury starts deliberating at 9:36 a.m.)

2 (On the record with counsel via phone at 4:26 p.m.

3 Defendants and jury not present.)

4 THE COURT: Counsel, good afternoon. Can I get a roll
5 call?

6 MR. HANLON: For the record, Rob Harding and Mike
7 Hanlon.

8 MS. RHODES: For Mr. Mitchell, Laura Kelsey Rhodes
9 here.

10 MR. LAWLOR: Mike Lawlor.

11 MR. MARTIN: Gerry Martin and Paul Flannery are here.

12 MR. CROWE: For Mr. Martin, Jim Pyne and Tom Crowe are
13 here.

14 MR. COBURN: Barry Coburn.

15 THE COURT: All right. We only have Mr. Coburn for Mr.
16 Gardner. That's fine, Mr. Coburn.

17 Here's the note we got approximately an hour ago,
18 counsel. Juror Number Ten will be on Thanksgiving holiday,
19 travel, through Tuesday, December 2nd, as was communicated
20 earlier to the court. Will jury deliberations recommence
21 Wednesday, December 3rd? We wish to break today at 1630 hours.
22 4:30.

23 So what I propose to do to avoid having to bring all of
24 you back to the courtroom is to do something, frankly, that I
25 don't know that I've ever done, and that is to excuse the jury in

1 writing rather than in person.

2 So let me read to you the letter that I propose to have
3 Belinda hand to each juror. I've photocopied twelve, I've made
4 12 copies so that each juror will get one copy of this letter on
5 my letterhead. And it reads as follows, under today's date:

6 Ladies and gentlemen, you are now excused from
7 deliberations until next Wednesday, December 3rd, 2008. Please
8 report, as always, no later than 9:30 a.m. on that date. The
9 routine for lunch and outdoors break will remain the same next
10 week as it has been this week. All exhibits and other material
11 will be secured during your absence.

12 During this long recess, adhere faithfully to my
13 instructions. One, do not discuss the case, the evidence, the
14 deliberations, or any other aspect of these proceedings with
15 anyone;

16 Two, avoid any media reports about the case from any
17 source whatsoever;

18 Three, conduct no investigation of any kind, including
19 online, oral, or otherwise, nor are you to consult any book,
20 magazine or other source of information in connection with your
21 service as a juror;

22 Four, do not visit any sites or locations mentioned in
23 the evidence;

24 And finally, five, do not speak to any fellow juror,
25 including alternates, once you leave the courthouse this

1 afternoon. Enjoy your Thanksgiving and return to us safe and
2 refreshed next Wednesday, December 3, 2008. Very truly yours.

3 Is there any objection to my handing this into the jury
4 room through Ms. Arrington and excusing the jury at this time?

5 MR. HANLON: Not from the government, Your Honor.

6 MS. RHODES: None from Mr. Mitchell.

7 MR. MARTIN: None from Mr. Harris.

8 MR. CROWE: None from Mr. Martin.

9 MR. COBURN: And none from Mr. Gardner, Your Honor.

10 THE COURT: All right. All of counsel have agreed that
11 we can proceed in this manner. I think it makes perfect sense.
12 Of course, we're all a little bit nervous by this duration of a
13 recess, but we can only hope that all is well. I do intend to
14 have Ms. Arrington call each of the alternates within the next
15 hour or so to notify them that they are still subject to recall
16 and to adhere to all of my instructions.

17 Counsel, have a wonderful Thanksgiving and we'll look
18 forward to talking to each other next Wednesday at the latest.

19 MR. MARTIN: Your Honor, Mr. Martin. With your
20 permission, I'm going to be out of town next Wednesday. Mr.
21 Flannery will be here and I'll be available by phone if I'm
22 needed.

23 THE COURT: Absolutely, Mr. Martin. Enjoy your
24 anniversary celebration.

25 MR. MARTIN: Thank you, Your Honor.

1 THE COURT: Mr. Lawlor, I believe you'll be back by
2 then, correct?

3 MR. LAWLOR: I will be, Your Honor.

4 THE COURT: Excellent. Be safe, folks. We'll see you
5 next week.

6 (Conclusion of Proceedings at 4:30 p.m.)

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REPORTER'S CERTIFICATE

I, Mary M. Zajac, do hereby certify that I recorded stenographically the proceedings in the matter of USA v. Willie Mitchell, et al., Case Number(s) AMD-04-029, on November 25, 2008.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within matter in a complete and accurate manner.

In Witness Whereof, I have hereunto affixed my
signature this _____ day of _____, 2009.

Mary M. Zajac,
Official Court Reporter